

PROPERTY ASSESSMENT APPEAL BOARD
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

PAAB Docket No. 2019-077-10101R

Parcel No. 320/03026-174-000

Abdullah Abdul Shakoor,

Appellant,

vs.

Polk County Board of Review,

Appellee.

Introduction

The appeal came on for hearing before the Property Assessment Appeal Board (PAAB) on March 5, 2020. Abdullah Abdul Shakoor was self-represented. Assistant Polk County Attorney David Hibbard represented the Board of Review.

Abdullah Abdul and Maheen Shakoor own a residential property located at 5416 Aspen Drive, West Des Moines, Iowa. Its January 1, 2019, assessment was set at \$300,600, allocated as \$48,900 in land value and \$251,700 in building value. (Ex. A).

Shakoor petitioned the Board of Review contending the assessment was not equitable as compared with assessments of other like property. Iowa Code § 441.37(1)(a)(1) (2019). The Board of Review denied the petition (Ex. B).

Shakoor then appealed to PAAB reasserting his equity claim and also claiming his property was assessed for more than the value authorized by law. § 441.37(1)(a)(1 & 2).

General Principles of Assessment Law

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. PAAB is an agency and the provisions of the Administrative Procedure Act

apply. § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). PAAB may consider any grounds under Iowa Code section 441.37(1)(a) properly raised by the appellant following the provisions of section 441.37A(1)(b) and Iowa Admin. Code R. 701-126.2(2-4). New or additional evidence may be introduced. *Id.* PAAB considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct, but the taxpayer has the burden of proof. §§ 441.21(3); 441.37A(3)(a). The burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Compiano v. Bd. of Review of Polk Cnty.*, 771 N.W.2d 392, 396 (Iowa 2009) (citation omitted).

Findings of Fact

The subject property is a one-story home built in 1986. It has 1904 square feet of gross living area, 984 square feet of living-quarter-quality basement finish, a deck, and a two-car attached garage. The improvements are listed in above-normal condition with a 3+05 (good quality) Grade. The site is 0.222 acres. (Ex. A).

Shakoor purchased the subject property in September 2018 for \$320,000. He used a real estate agent for the purchase and the sale price included brand new appliances with warranties. The home had been updated by the previous owners; he explained the updating included a remodeled kitchen and bath.

On cross examination, Shakoor testified it was his understanding the previous owners had not been in the property long. He noted the owners updated the property after they purchased it, but changes in their life circumstances caused them to have to sell it. The record indicates the previous owners purchased the property in February 2018 for \$249,000. (Exs. A & D).

Shakoor testified that when he petitioned the Board of Review he was led to believe it relied on the recent sale of his home which occurred in September 2018 for

\$320,000. (Ex. E). We note that while the sale price of his home may have played a factor in his assessed value, his assessment is nearly \$20,000 less than what he recently paid for the property.

Shakoor acknowledged an appraisal was completed as part of his loan, but he did not know the appraised value. He questions why the sale price would affect his assessed value. In his opinion, relying on sale prices would mean a property that has not recently sold would thereby have a lower assessment, which he believes is inherently unfair.

Shakoor listed four properties on his petition in support of his equity claim, which are summarized in the following table. (Exs. 1-4).

Comparable	Design	Condition	Grade	Gross Living Area (SF)	Basement Finish	Prior Assessed Value	2019 Assessed Value	% Increase
Subject	1-Sty	Above-Normal	3+05	1904	984 LQ	\$249,400	\$300,600	21%
1 - 5417 Aspen	Split Level	Normal	3+00	2002	No Finish	\$254,500	\$274,500	8%
2 - 5413 Aspen	2-Sty	Above-Normal	3+00	2029	No Finish	\$246,400	\$265,900	8%
3 - 5412 Aspen	1-Sty	Normal	3-05	1630	1000 A+	\$225,500	\$241,100	7%
4 - 5420 Aspen	1-Sty	Normal	3-05	1562	No Finish	\$179,500	\$191,800	7%

All of the properties were built between 1985 and 1987. Comparables 1 and 2 are split-level and two-story homes compared to the subject's one-story design; they are located across the street. Comparables 3 and 4 are one-story homes and are located on either side of the subject property. Only Comparable 3 has basement finish but it is listed as lower quality than the subject's basement finish. Only Comparable 2 has a similar condition rating and all of the comparables have a lower grade rating. We note that lower condition ratings and lower grades may result in lower assessed values for some of these properties, in addition to their other differences such as size and basement finish. None of the properties have recently sold.

Shakoor testified these properties had assessment increases between 7% and 9%. In comparison, his property's assessment increased over 20% from the prior year.

He has not been in any of the comparable properties and did not have any additional information about them, such as if they have received updates like his property.

The Board of Review did not offer any witnesses.

Analysis & Conclusions of Law

Shakoor contends the subject property is inequitably assessed and over assessed as provided under Iowa Code section 441.37(1)(a)(1, & 2). Shakoor bears the burden of proof. § 441.21(3).

To prove inequity, a taxpayer may show an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Here, we find Shakoor failed to demonstrate the Assessor applied an assessing method in a non-uniform manner.

Alternatively, to prove inequity, a taxpayer may show the property is assessed higher proportionately than other like properties using criteria set forth in *Maxwell v. Shivers*, 133 N.W.2d 709, 711 (Iowa 1965). The *Maxwell* test provides that inequity exists when, after considering the actual values (2018 sales) and assessed values (2019 assessments) of comparable properties, the subject property is assessed at a higher proportion of its actual value. *Id.* Simply comparing assessments or percentage increases in assessments is not sufficient to show inequity.

Shakoor submitted several properties for consideration but none have recently sold and we cannot develop the *Maxwell* ratio analysis for these properties. Further, because the *Maxwell* test also requires a showing of the subject property's actual market value as compared to its current assessment and an over assessment claim requires the same showing, and we therefore, turn to that claim.

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(2), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Soifer v. Floyd*

Cnty. Bd. of Review, 759 N.W.2d 775, 780 (Iowa 2009) (citation omitted). Sales prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. § 441.21(1)(b). Sale prices of property in abnormal transactions not reflecting market value shall not be taken into account or shall be adjusted to account for market distortion.

Shakoor does not believe his assessment should have increased to the extent that it has as a result of his recent sale. He notes neighboring properties did not increase at the same rate. Shakoor asserts by considering the recent sales price of his property, property that has not recently sold would be at an advantage because their assessments would not increase. However, we note his comparable properties' assessments all increased, even without any recent sales.

However, the sale price of the subject property as well as sales prices of comparable properties is to be considered when establishing market values. § 441.21(1)(b). Moreover, it appears the subject property was updated shortly before Shakoor purchased it and subsequent to the previous sale less than one year earlier. Because the characteristics of the property changed, it is not unusual for the assessment to change. Likewise, it is common practice for Assessors to evaluate sales that occur to help set values.

Shakoor did not provide any evidence of the property's value through comparable sales adjusted for differences, an appraisal, or a comparative market analysis (CMA), which is typical evidence to support a claim of over assessment.

Viewing the record as a whole, we find Shakoor has failed to support his claims.

Order

PAAB HEREBY AFFIRMS the Polk County Board of Review's action.

This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A.

Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action.

Any judicial action challenging this Order shall be filed in the district court where the property is located within 30 days of the date of this Order¹ and comply with the requirements of Iowa Code section 441.37B and Chapter 17A (2019).



Karen Oberman, Board Member



Dennis Loll, Board Member



Elizabeth Goodman, Board Member

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Polk County Board of Review by eFile

¹ Due to the State Public Health Disaster Emergency caused by the coronavirus (COVID-19), the deadline for filing a judicial review action may be tolled pursuant to orders from the Iowa Supreme Court. Please visit the Iowa Judicial Branch website at <https://www.iowacourts.gov/iowa-courts/supreme-court/orders/> for the most recent Iowa Supreme Court orders.